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Status | This circular covers the outcome of a referral to the Secretary of State of a question for determination under article 36 of the Regulatory Reform (Fire Safety) Order 2005. | | |

Secretary of State determination under article 36 of the Fire Safety Order

Issued by:
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Addressed to:
The Chair of the Fire and Rescue Authority
The Chief Executive of the County Council
The Clerk to the Fire and Rescue Authority
The Clerk to the Combined Fire and Rescue Authority
The Commissioner of the London Fire and Emergency Planning Authority
The Chief Fire Officer

Please forward to:
Technical or statutory fire safety officers

Summary
This circular publishes the outcome of a request to the Secretary of State to determine a fire safety issue under article 36 of the Regulatory Reform (Fire Safety) Order 2005.

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Secretary of State determination under article 36 of the Fire Safety Order

1.0 Introduction
1.1 This Fire and Rescue Service circular sets out the outcome of a determination request that the Secretary of State has received under article 36 of the Regulatory Reform (Fire Safety) Order 2005 (‘the FSO’). It concerns the adequacy of fire detection in the bedrooms of a hotel.

1.2 Where the ‘responsible person’ and the enforcing authority agree that there has been a failure to comply with the FSO in a premises, but do not agree on the technical solution to remedy that failure, they may agree, if appropriate, to refer the issue to the Secretary of State for determination under article 36 of the FSO.

2.0 Outcome
2.1 The Secretary of State has considered the facts of this request and determined that, in this case, the use of heat detectors provides a suitable technical solution to demonstrate compliance with the FSO.

2.2 This conclusion has been reached on the basis that the rooms will continue to be used for sleeping accommodation by people who do not have mobility or other relevant special needs.

2.3 This determination is based entirely on the circumstances of the specific premises and the decisions have been taken after careful consideration of the particular circumstances relating to this case.

2.4 The analysis underpinning this Determination by the Secretary of State can be found at http://www.communities.gov.uk/fire/firesafety/firesafetylaw.

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